



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-98-4937

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: Heavylift-VolgaDnepr Ltd.

Date Filed: December 29, 1998

Relief requested: Exemption pursuant to 49 U.S.C. § 40109 (g) to permit it to operate one one-way emergency cabotage cargo charter flight from Wichita, Kansas, to Seattle, Washington (Boeing Field), on or about January 6, 1999, using AN-124 aircraft, to transport outsized B-737 aircraft parts on behalf of Boeing Commercial Airplane Group. The applicant stated that severe material shortages critical to the production of these parts have caused Boeing Wichita to run behind schedule, resulting in delivery delays to final production lines at Boeing's Washington facility, and that air shipment was essential to keep production lines from shutting down and to meet aircraft delivery commitments.

Applicant representative: Lester M. Bridgeman (334) 432-1414

Responsive Pleadings: Heavylift-VolgaDnepr served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority to Heavylift-VolgaDnepr.

DISPOSITION

Action: Approved

Action date: January 4, 1999

Effective dates of authority granted: January 4-12, 1999

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. § 40109 (g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operations at issue here. We also found that grant of Heavylift-VolgaDnepr's request would prevent undue hardship to Boeing.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Heavylift-VolgaDnepr comply with an FAA-approved flight routing for the authorized flight.

Action taken by:

Charles A. Hunnicutt
Assistant Secretary for Aviation
and International Affairs